

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

UNITED STATES OF AMERICA,                         )  
  )  
Plaintiff,    )  
  )  
v.    )    Case No. CR-10-38-R  
  )  
CHARLES ALAN DYER,                                      )  
  )  
Defendant.    )

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**DEFENDANT'S MOTION IN LIMINE**

Comes now the Defendant and request that the Court exclude certain testimony and evidence relating to a pending charge against the Defendant and in support of same states as follows:

**Brief Statement of Facts**

The Defendant is charged by indictment with Failure to Register a Destructive Device [Title 26 U.S.C. §§§5861(d), 5872, 2461(c)]. The Device was discovered by Stephens County Law enforcement during a search of the Defendants home for DNA evidence as a result of an allegation of sexual abuse by the Defendant.

On the 20<sup>th</sup> day of January , 2010 a felony count of Child Abuse [10 O.S. §7115(E)]was filed against the Defendant. The matter is currently pending. The Defendant has not had an initial appearance on the matter.

**ARGUMENTS AND AUTHORITY**

The Defendant is requesting that any witness for the United States be precluded from mentioning or testifying about the allegations of child abuse filed against the Defendant. The Defendant has not been convicted of the charge. The evidence cannot be used for impeachment purposes in the event the defendant testifies in this matter pursuant to Federal Rules of Evidence

Rule 609.

Any statements or evidence in reference to the Stephens County charge is not relevant to this matter. Federal Rules of Evidence Rule 402. Any probative value of said evidence or testimony would be outweighed by the prejudicial effect. Federal Rules of Evidence Rule 403.

Wherefore the Defendant prays that the Motion in Limine be sustained and that the witnesses of the United States be precluded from testifying about the above referenced allegations.

Respectfully submitted,

/s/ David W. Hammond  
David W. Hammond, OBA # 12320  
Stuart, Frieda & Hammond, P.C.  
1111 W. Willow, Ste. 100  
Duncan, OK 73533  
Telephone (580) 252-9033  
Facsimile (580) 252-6251  
[sfhpc@sfhpc.net](mailto:sfhpc@sfhpc.net)  
Attorney for Defendant

**CERTIFICATE OF SERVICE**

I hereby certify that on April 2, 2010, I electronically transmitted the attached document to the Clerk of Court using ECF System for filing and transmittal of a Notice of Electronic Filing to ECF registrants.

/s/ David W. Hammond  
David W. Hammond